

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

RowVaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Case No. 2:23-cv 2224

Plaintiff,

vs.

The City of Memphis, a municipality;
Chief Cerelyn Davis, in her official capacity;
Emmitt Martin III, in his individual capacity;
Demetrius Haley, in his individual capacity;
Justin Smith, in his individual capacity; Desmond
Mills, Jr., in his individual capacity; Tadarrius
Bean, in his individual capacity; Preston
Hemphill, in his individual capacity; Robert Long,
in his individual capacity; JaMichael Sandridge, in
his individual capacity; Michelle Whitaker, in her
individual capacity; DeWayne Smith, in his
individual capacity and as an agent of the City of
Memphis.

JURY TRIAL DEMANDED

Defendants.

**DEFENDANT, EMMITT MARTIN, III'S RESPONSE TO THE PLAINTIFF'S
MOTION TO LIFT THE STAY**

COMES NOW, Defendant Emmitt Martin III, by and through his counsel of record, and files this response in opposition to the Plaintiff's Motion to Lift the Stay in this cause. (See, Dkt. Ent. 426). The Court, in this cause originally place the stay in effect to reduce the potential for prejudice to the indicted Defendants, of which Martin is one. (See, Dkt. Ent. 110). Since the imposition of the stay, Martin became a cooperating witness and has entered a guilty plea in his federal criminal case. However, he has not been sentenced as of yet in either the state or

federal court. Martin is also incarcerated currently at the Tallahatchie County Correctional facility in Tutwiler, Mississippi and the ability to contact him is limited at best.

Defendant Martin argues that if he is forced, at this stage of the proceedings to answer interrogatories, offer deposition testimony, offer responses to requests for production of documents, engage in motions (both dispositive and otherwise) and to engage in other efforts toward resolution of the matter through alternative means, he could be creating statements against interest that could be used against him to his detriment that could affect his ability to be sentenced without prejudice or bias.

Martin still has exposure in the state court matters that are pending against him as well so the potential for prejudice remains high. Martin would assert that the recommended prudent path forward in this cause is to hold in place the stay as it relates to Martin until such time as his sentencing in state and federal court is completed. This is the similar path that the Court is pursuing in another matter involving this Defendant, styled *Monterrious Harris vs. City of Memphis, et al*, 23-2058 JTF-tmp, where the Court has recently held in place a stay pending the sentencing of the indicted Defendants.

Defendant Martin opposes the Plaintiff's Motion to Lift the Stay in this cause based on the reasoning set forth herein.

RESPECTFULLY SUBMITTED,

/s/ Florence M. Johnson

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Attorneys for Defendant, EMMITT MARTIN, III

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on all counsel of record via the Court's ECF electronic filing data base on June 19, 2025:

/s/ Florence M. Johnson